

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

August 25, 2004

The meeting was called to order at 4:00 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Paul Nixon, Jack Matheson, and Terri Mills

ABSENT: Karon Lang

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Steve Pastorik, Ron Weibel, and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 23 people were in the audience.

GP-4-2004
Moderate Income Housing Plan Update
West Valley City

Mr. Steve Pastorik presented the application.

Staff is proposing an update to the City's Moderate Income Housing Plan, which was originally approved in 1999. Moderate income housing is currently defined in Utah Code 10-9-307 as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the County in which the City is located." As seen in the attached copy of the proposed update, State Law requires this plan to address the following topics:

- An estimate of the existing supply of moderate income housing located within West Valley City;
- An estimate of the need for moderate income housing in West Valley City for the next five years as revised biennially;
- A survey of total residential zoning;
- An evaluation of how existing zoning densities affect opportunities for moderate income housing; and
- A description of West Valley City's program to encourage an adequate supply of moderate-income housing.

Each of these topics have been addressed in the proposed update.

In summary, the findings from the Plan are that West Valley City has more than sufficient housing for households earning between 80 and 50% of the Salt Lake County median household income. The City is only deficient in housing for households earning 30% or less of the median income. Hence, most of the actions in the Plan address housing for this segment of the population.

During the study session, the question was raised concerning the age of persons within households earning 30% or less than the median income and how that information might be used to address their housing needs. The Census provides information on the age of persons below poverty level. Households below poverty level aren't necessarily the same as households earning 30% or less than the median since poverty level is based on household size and age. For example, households with many children may earn more than 30% of the median and still be considered in the Census as below the poverty level. With that disclaimer, here is the information from the Census:

Salt Lake County Persons Below Poverty Level by Age

	# of Persons	% of Total
Income in 1999 below poverty level (total):	70,714	
Under 18 years	25,334	35.8%
18 to 64 years	41,564	58.8%
65 and over	3,816	5.4%

From the table above it would be appear that low cost housing is not as much a priority for seniors as it is for younger adults and their children.

The suggested actions listed in the Plan to address housing for persons earning 30% or less than the median income do not address one specific age group over another. However, due to market realities, the construction of such housing would only be realized through a complex, cooperative effort between private developers, non-profit organizations and/or government agencies. Through such an effort, the specific needs of the population to be served would be identified.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for approval, as an update to the Moderate Income Housing Plan is needed.

Seconded by Commissioner Cisneros

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - GP-4-2004 - approved

Z-10-2004

**Cyprus Credit Union
3358 West 4700 South
R-1-8 to RB 2.4 Acres**

Mr. Ron Weibel presented the application.

The applicant is representing the property owner, Alexina Poulsen, requesting a zone change from residential single family (R-1-8) to residential business (RB). The properties are located at approximately 3358 West 4700 South on the northeast corner of the intersection. The corner property is vacant and the property just to the east has a house on it. The West Valley City General Plan anticipates office uses for the properties fronting on 4700 South in this area. The General Plan update and adoption in May 2000 made this change to this area.

The residential business zone allows single-family dwellings as a permitted use, but also allows uses such as office and professional as well as financial institutions. If the zone change is approved the applicant will build a Cyprus Credit Union facility on the corner of 3600 West and 4700 South. This use would be a fairly low impact use for this site. The business would not be open at night, although there would be an automated teller machine. The developer would be required to build a six foot high concrete or masonry wall along the property boundary adjacent to any residential development, and would also be required to install any lighting on the site so that it would not negatively impact the adjacent residential uses.

The applicants have also submitted an application for a subdivision of the property. Due to the size of the proposed lots the rezone would not have any effect on the subdivision, which more than meets the necessary minimums for lots in either an R-1-8 zone or an RB zone.

Applicant:

**Dale Catten, President
Cyprus Credit Union
3378 West Center View Drive**

Discussion: Commissioner Nixon asked if elevations were available. Ron Weibel replied he did not have elevations, but the proposed building should be similar to the Cyprus Credit Union already existing in West Valley City. The applicant, Mr. Dale Catten said he did not have building elevations, but indicated the building would be attractive and a benefit to the community. He assured they would stay within the City's commercial building guidelines. Commissioner Cisneros asked how many Credit Unions the applicant has. Mr. Catten answered they have ten credit unions. Commissioner

Matheson discussed the planned zoning for this area, and Ron explained that residential business is anticipated, but not general commercial, as it is next to residential. Commercial Nixon asked if the road had been widened. Ron said yes, the road has been widened all the way to 4700 South.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the resolution of any issues raised at the public hearing, and as this rezoning reflects the City's General Plan.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - Z-10-2004 - approved

S-19-2003

Hunter Willows Subdivision – Final Plat – Phase 1

R-1-10 Zone

27 Lots

7.8 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Ken Olsen, is requesting final plat approval for the first phase of the Hunter Willows Subdivision. This subdivision is somewhat of an extension to the Hunter Village Subdivision located on the north, south and east sides of this site. The subject property received preliminary approval in November 2003.

The proposed subdivision is subject to a development agreement, which was reviewed and approved by the Planning Commission and City Council. The development agreement is essentially the same as the one recorded for Hunter Village.

STAFF/AGENCY COMMENTS:

Public Works Department:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Contact Salt Lake County Auditor=s Office for approval of street names and subdivision names.

Revisions to plat required.

Concerns regarding storm water.

Dedication and improvements to 7200 West required.

Building Division:

Follow recommendations outlined in the soils report.

Utility Companies:

Standard Utility Easements required.

Granger Hunter Improvement District:

Project is subject to all GHID requirements and design standards.

GHID to approve location and construction of sewer line for this phase.

Fire Department:

Proposed fire hydrant locations need to be shown on subdivision plat.

Project shall meet all provisions of Fire Code relating to this type of development.

May need to provide secondary access off of 7200 West if determined by Fire Inspector.

Parks Department:

Developer shall coordinate future open space areas with the City Parks Department. Said coordination shall include a timetable for construction and improvements of those areas dedicated to West Valley City.

ISSUES:

The Hunter Willows Subdivision will be developed as a Planned Unit Development. The first phase consists of 27 lots on approximately 7.8 acres. This equates to an overall density of approximately 3.4 units per acre. Proposed lots range in size from 8,040 to 14,037 square feet. The average lot size within this phase of the subdivision is approximately 9,400 square feet.

As mentioned previously, the proposed subdivision will be guided by the same or very similar development standards as those used in the Hunter Village PUD. During the rezoning process this agreement was reviewed by the Planning Commission and City Council.

The subdivision layout includes two cul-de-sac streets. The length of these streets from 7200 West is approximately 980 feet. The City Engineering Division has a roadway standard that will allow the length of a dead end street to be 1000 feet in an R-1-10 Zone. The Fire Department has reviewed this design and believes that the proposed single access will work for the present time. They are basing this decision on the fact that this is one of many phases and secondary access will be provided in the near future.

Lots fronting the cul-de-sacs are some of the largest lots in the subdivision. A flag lot is being proposed at the southwest corner of Sentinel Hill Court. This lot was reviewed and approved by the Planning Commission during the preliminary review of this subdivision.

All streets within the subdivision will be dedicated and maintained by the City. The developer is proposing to use the same street cross section as used in Hunter Village. The cross section being proposed will consist of a 6-foot parkstrip and 5-foot sidewalk.

The developer will be required to dedicate an additional 7 feet along 7200 West. The developer has included an existing parcel as a lot within the subdivision. This property will be known as lot 27. By adding this parcel to the subdivision, the developer will be able to install street improvements along the entire length of

7200 West. These improvements will need to be coordinated with the City Engineering Division.

Lots 19 and 20 are being proposed as back facing lots. The developer will be required to install a barrier wall according to ordinance. Staff is unsure whether the developer will install a masonry wall or will ask the Planning Commission to allow a vinyl fence as other portions of Hunter Village have done. This will need to be determined during the final plat process.

The development site has been used for agricultural purposes over the years and will play a role as to how other water users will continue to receive their water. The developer will need to coordinate this issue with the Public Works Department and those persons using irrigation water. The developer will also be required to resolve all piping matters with the West Valley City Public Works Department.

As with all development in West Valley City, the potential for high ground water exists. The developer has submitted a soils report. This report indicates that ground water was not encountered to a depth of 11.5 feet. The developer will need to coordinate the findings of this report with the City Engineer and Building Official to determine appropriate construction standards for the subdivision.

During the preliminary plat process, the developer indicated that approximately 1.3 acres would be deeded to the City to be used in conjunction with the open space in the Hunter Village PUD. The allocation of open space in Hunter Village, including property dedicated as part of this development, will provide an open space area of approximately 6 acres. The park area will be deeded as future phases of this development are able to develop.

Agricultural properties exist along 7200 West. The developer will need to install a chain link fence adjacent to these properties as required by ordinance. In addition, a notation will be placed on the plat indicating that new homes are located adjacent to agricultural properties and may be subject to the sights, sounds and odors that accompany agricultural uses.

Because adjacent phases of Hunter Village have yet to be approved, the developer will need to coordinate storm water issues with the City Engineering Division. It is likely that storm water will be temporarily retained within a platted lot or immediately to the east in a temporary retention basin.

Due to the single access from 7200 West, the developer will also need to coordinate water and sewer connections. More specifically, how these connections will eventually work with Hunter Village stub streets. It is staffs

understanding that the developer has acquired a sewer easement through Hunter Village in order to plat the subdivision. The developer has provided an availability letter from Granger Hunter indicating that this development can be serviced with water and sewer.

Applicant:
Ken Olsen, Stride Investments.
10299 South Spring Crest

Applicant:
Bob Stride
Stride Investments

Discussion: Commissioner Matheson asked if there would be an entry feature for this development. Steve Lehman replied there was not an entry feature planned for 7200 West, but there is one for 3500 South and Parkway Blvd. Commissioner Nixon inquired about fencing. Steve Lehman assured the developer would be required to fence properties next to agricultural property, but said there are no requirements to place fencing next to residential properties. Mr. Ken Olson discussed where fencing would be located and stated they would add an entry sign at the entrance near the fence. He explained the development agreement is extensive with requirements for home exterior materials and architectural features. Commissioner Matheson had concerns regarding the sewer and storm water. Mr. Olson informed there is 10 to 12 acres of open land adjacent to this development for water runoff. He said a berm could be built which will help direct water to run into a nearby ditch. Mr. Olson stated there is talk about a possible catch basin or pond at this location. He assured the runoff ditch on the east end of the property does go into the stormdrain, and it should handle irrigation water. Chairman Woodruff asked about the sanitary sewer. Mr. Olson replied they acquired an easement on both sides of the property, and they are working with Granger Hunter Improvement District. Commissioner Mills was concerned flooding may occur with the stormwater running into the ditch water. Mr. Olson did not think the water would ever reach the ditch due to the proposed berm and pond. Commissioner Mills asked if lot #27 irrigated, and was told no. Steve Lehman informed that he has addressed the storm water issue with the City's Engineering Division, and the Engineering Division is reviewing this issue. Commissioner Nixon asked if homeowners will be notified of the potential corridor planned for 7200 West. Steve Lehman suggested asking Mr. Olson if he has had discussions with UDOT, and what kind of notations should be placed on the plat, as this would affect the sale ability and marketability of properties. Mr. Bob Stride of Stride Investments noted that they have not had any discussion with UDOT concerning this area. Commissioner Nixon did not want homeowners to be surprised with the possible corridor. Nicole Cottle reminded there were several alignments proposed, and now UDOT has narrowed that down to three alternatives. She explained it's a very speculative project involving UDOT's state road and federal funding. Nicole indicated the City's involvement is limited to where we think the road should go. If the City made a notation on the plat or required something of the developer, that would require the City

to purchase some property to preserve the corridor. She assured the City does not want to damage the sell-ability of the property, and explained the duty rests with UDOT, not the City. Commissioner Matheson had major concerns with sewerlines going down through a lot. Mr. Bob Stride replied the sewer system has been designed so that all manholes would be located in the street, and would not be accessed through back properties. Steve Lehman mentioned the developer may want to vacate the sewer easement once future phases of the development occur. He explained there would be a cul-de-sac near the location of this sewer going eastward into Phase 10 in Hunter Village. Steve asked the developer if that would be vacated at the time the roadways are installed. Mr. Olsen said it could be vacated, and they will look at that seriously, but he wanted to make sure the plans would work with Granger Hunter and the City's Engineering Department. Commissioner Fuller asked the applicant if he has reviewed the Staff's report and suggestions. Mr. Olson assured he has reviewed it and agrees to it. Commissioner Nixon asked if sound walls would be placed along the 7200 West corridor if the highway is built at that location. John Janson replied that sound walls are possible, but studies would need to be completed.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Cisneros moved to grant final plat approval for the Hunter Willows Subdivision subject to the following conditions:

1. That the developer resolve all staff and agency concerns.
2. That the Hunter Willows Subdivision be guided by the development agreement reviewed and approved by the Planning Commission and City Council. Said agreement shall be recorded with the Salt Lake County Recorder's Office.
3. That recommendations outlined in the soils report be coordinated with the Building Official and City Engineering Division.
4. That the developer be responsible to resolve concerns regarding the irrigation system. The developer shall coordinate this review with water users and the City Public Works Department as part of this recommendation.
5. That 7200 West be dedicated and improved according to plan and profiles approved by the City Engineering Division. All other dedicated streets, including cross sections, shall be reviewed and approved by the Public Works Department.

6. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
7. That the subdivision name and all associated street names be approved by the Salt Lake County Auditor's Office.
8. That the developer be required to install a barrier wall along back facing lots adjacent to 7200 West.
9. That the developer coordinate all matters pertaining to storm water with the City Engineering Division.
10. That the developer coordinate access to the subdivision with the City Fire Department.

Seconded by Commissioner Fuller.

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	No
Chairman Woodruff	Yes

Majority - S-19-2004 - approved

S-24-2004

Verco Subdivision – Lot 2 Amended – Condominium Conversion

4452 South Dean Circle

R-2-8 Zone

Mr. Steve Lehman presented the application.

BACKGROUND

Jeff Condie is requesting an amendment and condominium conversion for lot 2 of the Verco Subdivision. The Verco Subdivision was recorded with the Salt Lake County

Recorder's Office in June 2003. The applicant is in the process of constructing a duplex on lot 2 and is proposing to change the use to a condominium rather than rental units.

STAFF/AGENCY COMMENTS:

Public Works Department:

- X Applicant needs to comply with original subdivision approvals.
- X Revisions to plat required.

Building Division:

- X Continue with appropriate inspections.
- X Coordinate with the Building Division any special requirements regarding the conversion of the duplex to a condominium.

Utility Companies:

- X Standard Utility Easements required.

Granger Hunter Improvement District:

- X Project is subject to all GHID requirements and design standards.

Fire Department:

- X Proposed fire hydrant locations need to be shown on subdivision plat.
- X Project shall meet all provisions of Fire Code relating to this type of development.

ISSUES:

- X The Verco Subdivision was approved as a two lot minor subdivision. It was recorded with the Salt Lake County Recorder's Office in June 2003. As construction of the duplex began, the applicant made a determination that he would like to request that the building be used for ownership rather than a rental. The application before the Planning Commission is to amend the original Verco Subdivision and to convert the duplex into a condominium.

- X Access to the proposed condominium will be gained from Dean Circle. The developer has or will complete all necessary improvements along Dean Circle. Should street improvements be installed that need repair or become damaged as a result of new construction, the developer will need to coordinate the replacement of such with the Public Works Department.
- X The duplex presently being constructed was reviewed by the Planning Commission as a conditional use. It was noted during that process that a condominium conversion would likely be forthcoming. The applicant believes that it would be better to sell each side of the dwelling as opposed to simply renting the units.
- X The City has generally taken the position that it is better to offer home ownership as opposed to rental units. Because the building is new, it is more likely that persons will buy and live in the condominium rather than buy and rent it out. In addition, it would be difficult to purchase the condominium and be able to rent it for an amount sufficient to cover the mortgage.
- X The condominium will have areas designated as limited common and private space. The area to be used in common will be relegated to the driveway. Notations will be placed on the plat indicating that both sides of the condominium will be responsible for maintenance of this area.

Applicant:
Jeff Condie
4147 South Colt Court

Discussion: The applicant, Jeff Condie, suggested the homeowners may actually want to live in the condos, rather than renting them out. He stated he has received an offer.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the Verco Subdivision Lot 2 Amended and conversion of the duplex to a condominium subject to a resolution of staff and agency concerns.

Seconded by Commissioner Nixon.

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - S-24-2004 - approved

C-30-2004

Shannon Case

4313 S. Jocelyn Way

Home Preschool

R-1-8 Zone (.26 acres)

Mr. Steve Lehman presented the application.

The applicant, Shannon Case, is requesting a major home occupation as a conditional use for a home preschool. The zoning for this area is R-1-8 and preschools are a major home occupation in this zone. The West Valley City General Plan anticipates low density residential for this area.

The classes are for children 3-5 years old and will be held from 9:00 a.m. to 11:30 a.m. on Mondays and Wednesdays. There will be no more than 6 students per session.

The area to be used for the preschool is located in the front living room of the home. The area dedicated to the home preschool will not occupy more than 25% of the area of any one floor.

Parking is typically a concern with home occupations; however, the driveway for the home provides plenty of off street parking and drop off space for this use.

Discussion: Commissioner Matheson asked if customers would pull into the driveway rather than parking on the street. Ms. Shannon Case assured she would ask customers to park in their driveway, and noted they recently poured additional concrete for driveway.

Commissioner Mills wondered if the children would be walked to the door or allowed to play outside prior to the beginning of their class. Ms. Case replied the parents would be asked to drop off and pick-up their children at the door. She noted the children would not be allowed to play in the front yard.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for approval subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. Drop off and parking areas are to be on the driveway and may not be on the street.
2. Subject to review upon valid complaint.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-30-2004 - approved

C-31-2004
Hope Haven Adoption Center
2276 South 2700 West
M Zone
0.47 Acres

Mr. Steve Pastorik presented the application.

Randal and Stephanie Evans with the Hope Haven Adoption Center are requesting a

conditional use permit for a pet adoption center/kennel located at 2276 South 2700 West. This property is zoned M (manufacturing) and is classified as light manufacturing in the West Valley City General Plan. The property is surrounded by other M zoned properties. Surrounding uses include the light industrial buildings to the north, south and east and vacant land to the west.

Background

On July 27, 2004, West Valley City Code Enforcement issued a courtesy notice to the applicants for operating without a business license and for amending the site without approval. Since kennels in the M zone require conditional use approval, an application for conditional use was submitted by the applicants in order to eventually obtain a business license.

The applicants have submitted a letter which describes their business. A copy of this letter is attached to this analysis. The pet adoption center is currently occupying the north half of the 6,000 square foot building on the property. Changes that have already been made to the property without City approval include the addition of indoor/outdoor dog runs, parking space modifications and the addition of a storage container. A copy of the proposed site plan is attached to this analysis. According to the applicants, they hope to have up to 40 dogs and up to 40 cats at their facility.

West Valley City Animals Services has chosen not to use Hope Haven Adoption Center's services.

Issues

Property Boundaries

The applicants originally understood the north property line to be far enough away from the north side of the building to accommodate the dog runs and storage container. After reviewing the original site plan approved by Salt Lake County as well as the Sidwell map submitted with this application, it appears that the dog runs, storage container and associated fencing have encroached upon the property to the north.

The Planning Commission can only address improvements to or uses of property where the applicants either have title to the property or have received the appropriate agent authorization from the owner. In this case, the applicants have only received agent authorization for the property upon which the building they lease is located. To address this issue, the applicants could pursue one of the following options:

- The business could be limited to just the property they are currently leasing.
- If the property line is further to the north than City records indicate, the applicants

- could submit a survey to document this.
- If this initial application is approved, the applicants could submit a conditional use amendment application to expand the area used for the business.

Storage Container

Even if the applicants can resolve the property line issue discussed above, the City has only allowed storage containers on a temporary basis such as a building remodel and not as a permanent solution for material storage. Hence, if the applicants can resolve the property line issue, staff recommends that the storage container be removed within a reasonable time frame acceptable to the Planning Commission.

Fencing

The applicants have installed chain link fencing covered with canvas around the dog runs and storage container. Staff is concerned about the durability and aesthetics of such fencing. Vinyl fencing may be more appropriate. For this application however, the Planning Commission can only address fencing on the property they lease.

Health Concerns

Kennels are subject to health guidelines that are administered by West Valley City Code Enforcement. Officer Zito from Code Enforcement submitted a list of seven minimum health standards that are currently not being met by the applicants. A copy of this list is attached.

Potential Conflicts with Neighbors

With dogs allowed outside, a potential conflict exists with the neighboring property to the north due to noise and odors. The building on the property to the north is approximately 50' from the subject building.

The following excerpts from the zoning ordinance are referenced to aid the Planning Commission in their evaluation of this application:

Section 7-7-105 CONDITIONAL USE STANDARDS AND CRITERIA.

Conditional use application shall be reviewed in accordance with the following general standards and criteria:

(3) Compatibility of the proposed use with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;

(5) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of injurious to property or improvements in the vicinity. A conditional use shall be detrimental under the following circumstances:

- (a) If the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
- (b) If the proposed use will unreasonably interfere with the lawful use of surrounding property;
- (c) If the proposed use will create a need for essential municipal services which cannot be reasonably met;
- (d) If the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be injurious to property or improvements in the vicinity;

Size of Property

Although no minimum size requirement has been set for kennels in the M zone, the A zone requires at minimum of one acre. With the potential of up to 80 animals, staff is concerned that a 3,000 square foot building together with between 400 to 500 square feet of dog run space (which is located on the property to the north) may not be adequate for such a facility.

Discharge into Sewer

If animal waste will be discharged into the sewer system, then applicants must prepare plans showing how this will be done. These plans will need to be submitted to and approved by Granger Hunter Improvement District.

Applicant:
Randall Evans
P.O. Box 25382

Concerned:
Robert Zito
W.V. Ord. Enforcement

Concerned:
Karen Bird
W.V. Animal Shelter

Opposed:
William Vetter
2258 Constitution Blvd.
Court

Concerned:
Steve Garcia
2280 S. 2700 W.

Concerned:
Martha Patience
1346 West Ocean

Concerned:
Kelly Davis, Director
W.V. Ordinance Enforcement and Animal Shelter

Discussion: Chairman Woodruff asked if there were enough parking stalls for this business. Steve Pastorik replied the parking should work, as the adjacent business, which shares the parking lot, has a low demand for parking, and the animal shelter has customers with appointments only. Commissioner Cisneros questioned why the City's manufacturing zone did not have any requirements for this type of use, such as the

agricultural zone, which requires one-acre lots for kennels. John Janson explained that the acre of land used as a buffer is not needed in manufacturing, because residents don't live in manufacturing areas, although businesses run during the day. Commissioner Matheson asked if the Commission could stipulate what type of fence was allowed for this business. Steve Pastorik assured the Commission could specify a six-foot vinyl fence. Officer Robert Zito is a West Valley Ordinance Enforcement Officer. He said he visited the outside of this business one week ago, and he did not know if there had been any changes made since that date. He did not go inside the building, but reported many complaints have been received regarding barking and dogs being housed outside. Officer Zito explained the business is in violation and must comply by August 31, 2004. He reported the violations include having no business license, no conditional use approval, and complaints regarding the care of animals. Officer Bird of West Valley's Animal Enforcement informed she has not been inside or outside of the property. She had concerns regarding the high number of animals housed at this location, with feces and urine running on pavement, and housing animals on pavement. Officer Bird noted proper drainage and ventilation are important. Commissioner Mills asked how many animals were kept at the City's animal shelter, and was told there are 36 dog kennels and 56 cat kennels. Officer Bird informed that the number of animals kept at the City's shelter changes daily, and that some animals share kennels. Commissioner Nixon asked if the City's shelter has a 'get acquainted' room, and how large the City's shelter is. Mr. Kelly Davis is the Director over Ordinance Enforcement and the City's Animal Shelter. He replied the City's shelter is approximately 1,100 sq. ft., and citizens and animals get acquainted in the yard or office area. Mr. Davis reminded that if this application is approved, there is still a requirement for inspections to be conducted to fulfill all State requirements. He explained this approval is only the first step, followed by Animal Services who steps in for the benefit of the animals and the public. Commissioner Mills asked if animals would be transferred from West Valley's shelter to Hope Haven. Officer Bird answered that any transfer must be approved, but there have not been any arrangements at this time. Steve Pastorik expressed concerns regarding the inside of the building. The applicant, Mr. Randall Evans informed the Commission that he was told pet adoption was allowed in this area, and he didn't think he needed conditional use approval. He said that once they were operating, they were told they needed a business license. Mr. Evans assured the animals are actually Hope Haven's animals, and there are currently 51 dogs and 48 cats up for adoption, listed on the Internet. He explained when animals are adopted from Hope Haven, they withdraw additional animals from shelters that are on the euthinze list. Mr. Evans reported they have sponsors for this type of facility. Commissioner Matheson asked Mr. Evans if he was against euthinization for dangerous animals. Mr. Evans answered if an animal is a danger to other animals or the public, they will not be pulled from a shelter. He stated if they accidentally take a dangerous animal that becomes a threat, the animal would be euthinized. Commissioner Mills noted Hope Haven currently has more dogs than what is being proposed, and asked how quickly they place animals for adoption. Mr. Evans replied they have a large

adoption event coming up, and he anticipates adopting approximately 12 animals. He indicated he would foster any extra animals to comply with the City's regulations. Commissioner Mills asked if the animals were walked and if so, where. Mr. Evans said they take animals to Atherton Park for outside time. Commissioner Matheson perceived that with the amount of pens for the animals, there must be a large amount of pen sharing. Mr. Evans acknowledged that the animals require a specific amount of room depending on the size of the dog, and he plans to comply with all requirements. Commissioner Nixon asked what the adoption fee is. Mr. Evans said the fee is \$95.00, and all animals are neutered or spayed, vaccinated, and have a lifetime warranty, allowing them to be returned to the facility if they do not work out in their new home. Commissioner Cisneros questioned the ventilation for the building. Mr. Evans answered that there are exhaust fans in cat acquaintance rooms, and in the back kennel area. Chairman Woodruff asked what is done with the waste products from the animals. Mr. Evans replied the feces is picked up, bagged, tied up and placed in a dumpster for pick-up. He stated urine is mopped up. Commissioner Nixon asked if the dumpster is picked up by a regular garbage collector, and was told yes, they use BFI weekly. Mr. William Vetter lives near this facility, and noted he owns many animals himself. He stated concerns regarding the appearance of the building. Mr. Vetter said there is no room around the building to walk the animals and he believes the animals are not being walked. He gave information regarding a group in Park City for no more homeless pets. Mr. Vetter described the Park City business with a barn and area for animals to walk, explaining the animals are only in pens during the adoption process. He is concerned Hope Haven does not have air conditioning for the animals. Mr. Vetter discussed declining property values in this area, suggesting this type of business will assist in property declining. He mentioned the appearance and smell of urine does not help surrounding businesses. Mr. Vetter was concerned that waste material might be drained onto his property, creating additional cleaning for him. He leases out a portion of his building, and has been told his renter will move out if this application is approved. Mr. Vetter believes this business is a hazard, and a health concern for the animals, as animals should be kept away from other animals until vaccinated. Mr. Steve Garcia owns a business called Metro Laser near this property. He said he has received complaints about the noise and smell of Hope Haven, stating customers can immediately smell animal waste as they walk into his business. Mr. Garcia reported flies have increased in number ten-times. He assured he has nothing against animals, but believes light, ventilation, and a grass area is needed. Mr. Garcia asked Mr. Evans about adopting a small dog, but was told these animals most likely won't behave well around children. He is concerned about the building's appearance, suggesting security may be a factor, as some vehicles have not been moved in a long time. Mr. Garcia said the owner of the building was warned not to enter the building as she may be bit. Mr. Garcia entered the building finding a mattress and household equipment. He believes the applicant may be living at this location. Steve Pastorik informed he has spoken with the owner of the building, stating she is torn due to compatibility and the desire to keep a tenant. Ms. Martha Patience is the owner of the building, and said she

has tried to work with Hope Haven, but confirmed she has received many complaints. She has now been told the animals would be housed in the building 24-hours per day. Ms. Patience suggested they are not working out as tenants, and she is not in favor of having Hope Haven located in this building. Steve Pastorik explained that Martha Patience signed the conditional use application, and as the owner, she can pull this application. He stated Mr. Evans does not have the authority to apply for conditional use without the property owner's authorization. Ms. Patience perceived there would be less animals and an animal run, but now there are more animals and complaints from neighbors. She has asked to go in the building, but has been told she should not due to safety reasons. Mr. William Vetter assured the people from Summit County will take the animals and arrangements will be made for all animals. He said if the animals are not adopted, they would be placed on a farm to live. Mr. Randall Evans acknowledged he knows of an animal farm in Park City, and heard of a woman getting injured due to a dogfight in a kennel. He wondered if they could handle extra animals. Chairman Woodruff asked the applicant to discuss his procedures for vaccinations and neutering services. Mr. Evans replied all animals are fixed and vaccinated as soon as received at Hope Haven, except for one family of cats. Chairman Woodruff questioned if the animals have behavioral issues. Mr. Evans explained that some small dogs have been turned over to Hope Haven for biting, and they need an adult environment. Chairman Woodruff asked about the vehicles parked in the parking lot. Mr. Evans answered he has two old trucks with items in them for the storage containers, assuring the items are being removed and the vehicles will be moved in the future. He indicated he and his wife spend many hours at Hope Haven, sometimes until 1:00 a.m. and 2:00 a.m., waking up early to keep the dogs quiet. Mr. Evans stated the dogs become defensive and loud if unattended, and if someone is in attendance, the dogs are brought under control more quickly. Commissioner Cisneros asked the applicant how he might solve these conflicts with neighbors. Mr. Evans replied that if the animals are only kept inside, it would eliminate the problem associated with the parking lot. He assured there is not a floor drain, and urine is mopped up regularly, with the mop water drained down the toilets. Commissioner Nixon summarized that he likes the idea of adopting animals, and appreciates the time spent by the applicant, but he has concerns with this location and nearby businesses. Commissioner Cisneros believes the agricultural zone requires one acre for this type of business, as animals of this number need space, ventilation, etc. Commissioner Fuller asked Officer Bird if the applicant was disposing the animal waste properly. Officer Bird assured utilizing the dump is appropriate, but mopping the urine may not be effective. She mentioned they hose the West Valley kennels out daily, which is drained into a septic tank, then the kennel is disinfected.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for denial of the application for the following reasons:

1. The facility is not compatible with the space allowed because of the lack of buffering space.
2. It is detrimental to the general welfare of persons working in this vicinity.
3. The business will interfere with the lawful use of neighboring property
4. The applicants have failed to demonstrate how they will meet health guidelines, and meet the minimum requirements that they are not currently meeting.
5. The subject property is too small to accommodate the number and sizes currently housed and proposed to be housed.

Seconded by Commissioner Mills.

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-31-2004 - denied

C-32-2004

Freeport West (Bldg. 2)

2621 South 3200 West

M Zone 18.6 Acres

Mr. Ron Weibel presented the application.

The applicant is requesting conditional use approval for a 325,000 square foot warehouse

on 18.6 acres in a manufacturing zone at 2621 South 3200 West. All the adjacent properties are zoned M and the West Valley City General Plan Vision 2020 anticipates light manufacturing uses in this area, which would include warehouses.

In the past, a warehouse would have been processed as a permitted use in a manufacturing zone, however in April, 2003 the ordinance was amended to require conditional use approval for all developments of 10 acres or more in a manufacturing zone. This would allow for public comment and conditions of approval by the Planning Commission for potential high-impact developments.

Directly adjacent on the property to the north is a large warehouse that is a little over 40,000 square feet larger, but similar to what is proposed. The proposed site would be landscaped similar to this existing site, and the trees and berming would add a good visual element and some screening for the large building. The proposed construction of the building is tilt-up concrete. There are architectural elements on the corners of the front elevation at the entrances to break up the long, flat expanse of the front, but more could be done to lessen the impact of the long, flat plane.

There are issues relating to the number and location of vehicle access points to the site that will have to be resolved with Public Works. Ordinance limits the number of accesses for a site based on the frontage of that site, and also requires certain setback distances from side and rear property lines based on the right-of-way widths of the adjacent streets. The ordinance does allow the City Engineer or designee to modify these standards if proof is submitted that modifying these standards is necessary for traffic movement.

As of the writing of this analysis, a complete landscaping and irrigation plan has not been submitted. Staff has talked to the applicant about these requirements and they are in the process of having those plans drawn up. They would like to do the landscaping similar to the property to the north, and this could fit within the guidelines of the current water-efficient landscaping ordinance.

There are no trash dumpsters shown on the site plan submitted with the application. The applicant is aware that these need to be shown and that all trash containers need to be enclosed in a concrete or masonry structure. In addition, all mechanical equipment on the ground such as generators needs to be enclosed in a concrete or masonry structure. All equipment on the roof needs to be screened from view behind a parapet wall or in an equipment penthouse.

Although this is primarily an industrial area, pedestrian access should be provided for from the sidewalk on the street to the front entrances of the building. This would include sidewalks in landscaped areas and walkways through parking areas delineated by stamped concrete or other means to clearly mark pedestrian travel.

Applicant:

**George Ross
1505 S. Redwood Rd., SLC**

Favored

**Robert Timmerman, Architect
Timmerman Associates**

Discussion: Mr. George Ross showed the Commission a building rendering for the property. He explained they acquired a large warehouse last December located next to this property. The existing warehouse is currently being leased, and should be fully occupied in 30 days. Chairman Woodruff mentioned the issue regarding the access drives for the proposed warehouse. Ron Weibel reported that staff has not viewed any revisions to the original plans. He explained the Commission must make a determination regarding the appearance of the building, and that staff and Public Works will address access issues. Mr. Ross indicated they have a civil engineer working on issues, and they have moved the monument sign away from the entrance. Mr. Weibel explained that many issues are governed by City ordinances, but this is a conditional use allowing the Commission to set requirements, such as building enhancements. Mr. Ross believes the existing building is an asset to the City, as well as attractive. He would like the proposed warehouse to be slightly altered to differentiate the two buildings. Chairman Woodruff implied there are very few features for this long building, and said paint could be considered a relief if done in an architectural way. Commissioner Nixon suggested indentations may help the building look more attractive. Mr. Ross replied indentations may cause structural problems with the metal panels. Mr. Robert Timmerman is the architect for this application and he reminded that any architectural changes will create a financial impact. He believes the same type of feel could be accomplished with paint. Mr. Ross informed the Commission that any building cost increase would have an impact on the lease rate. He stated he must be competitive with companies interested in leasing the building. Commissioner Nixon thought the building looked adequate, and did not want to hold up the application with required indentations over the windows. Chairman Woodruff agreed that more architectural panels would be attractive, but it is part of a complex, and should look similar to the adjacent warehouse.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for approval of the conditional use request for the warehouse subject to the resolution of any issues raised at the public hearing and the following conditions.

1. All vehicle access issues must be resolved with West Valley City Public Works Department and the site plan revised to reflect those approvals.
2. A complete landscaping and irrigation plan designed to the water-efficient landscape ordinance must be submitted.

3. All trash dumpsters must be shown on the site plan, and must be enclosed in concrete or masonry structures. All mechanical equipment on the ground and on the roof must be appropriately enclosed or screened.
4. Pedestrian access must be provided for from the street to the entrances of the building.
5. All requirements of the West Valley City Fire Department and West Valley City Public Works Department, as well as other affected departments and agencies must be met.
6. Architectural modifications or enhancements agreed upon by the Planning Commission shall be made to break up the long and flat plane of the front elevation.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority - C-32-2004 - approved

PLANNING COMMISSION BUSINESS

Approval of minutes from August 11, 2004 (Regular Meeting)

Approval of minutes from August 28, 2004 (Study Session)

Approved

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant